**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

IN RE EASTMAN KODAK ERISA LITIGATION

THIS DOCUMENT RELATES TO: ALL ACTIONS

MASTER FILE NO. 6:12-CV-06051-DGL

UNITED STATES DISTRICT COURT
FILED
MAY 22 2017
MARY C. LOEWENGUTH, CLERK
WESTERN DISTRICT OF NY

JOINT REQUEST FOR MODIFICATION OF STIPULATION AND PROPOSED ORDER

On May 9, 2017, the Court issued a Stipulation and Order ("Order") permitting the Parties to correct an issue regarding the calculation of settlement payments for Settlement Class members. In accordance with that Stipulation, the Plan Administrator has now successfully reallocated funds from Class Member accounts in the Kodak Savings and Investment Plan (the "SIP") which received an overpayment to the SIP accounts of Class Members who had received a payment from the Settlement Fund, but one that was less than what they should have received under the Plan of Allocation.

Under the Stipulation, the next step is for Class Members who were not paid through the SIP account to receive their payments (or additional payments). Paragraph 3 of Appendix A to the Stipulation indicates that these payments will be made by check. However, the Plan of Allocation permits payments to be made through the SIP to (a) Class Members who still have current SIP accounts and (b) Class Members who are owed more than $5000 under the Plan of Allocation (and for whom the Plan Administrator would re-open a SIP account). Payment through the SIP is advantageous for Class Members, who are thus able to continue the favorable tax treatment that goes with investment in a 401(k) Plan. Accordingly, the Parties respectfully request that the Court amend the Stipulation and Order to permit the Settlement Administrator and Plan Administrator to effectuate the payments authorized by the May 9, 2017 Stipulation and

Order through the SIP accounts of those Class Members who are entitled to be paid through the SIP under the Plan of Allocation.

Dated: May 19, 2017

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The foregoing Joint Request having been duly considered, and good cause appearing for it to be entered, it is HEREBY: GRANTED

May 19, 2017
DATE

HON. DAVID G. LARIMER
U.S. DISTRICT JUDGE